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FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

Report of the Fifth Committee (Part III)

Rapporteur: Mr. Peter MADDENS (Belgium)

I. INTRODUCTION

1. The previous recommendations made by the Fifth Committee to the General Assembly under item 160 appear in the reports of the Committee contained in documents A/50/852 and Add.1.

2. The Fifth Committee resumed its consideration of the item at its 57th, 58th and resumed 64th meetings, on 7 and 9 May and 3 June 1996. Statements and observations made in the course of the Committee's discussion of the item are reflected in the relevant summary records (A/C.5/50/SR.57, 58 and 64).

3. For its consideration of the item, the Committee had before it the reports of the Secretary-General (A/C.5/50/47 and 54) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/50/923).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/50/L.63

4. At the resumed 64th meeting, on 3 June, the representative of Canada introduced a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory

of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/50/L.63), submitted by the Chairman of the Committee on the basis of informal consultations, and orally revised it by replacing operative paragraph 9, which had read:

> "9. Requests the Office of Internal Oversight Services to evaluate the resource requirements of the International Criminal Tribunal and to report to the General Assembly at its fifty-first session, and requests the Secretary-General to take the observations of the Office into account when preparing the budget for the Tribunal for 1997",

with the following text:

> "9. Requests the Secretary-General to entrust the Office of Internal Oversight Services to undertake, without prejudice to its programme of work, an inspection of the International Criminal Tribunal, with a view to identifying problems and recommending measures to enhance the efficient utilization of resources, and to report thereon to the General Assembly at its fifty-first session".

5. At the same meeting, the Committee adopted draft resolution A/C.5/50/L.63, as orally revised, without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994, 1/

1/ A/C.5/50/47 and A/C.5/50/54.

Recalling its resolution 50/213 A of 23 December 1995, in which it appropriated to the Special Account for the International Criminal Tribunal an amount of 7,609,900 United States dollars gross (7,090,600 dollars net) for the period from 1 January to 31 March 1996, without prejudice to the comments and recommendations the Advisory Committee on Administrative and Budgetary Questions might make following its review of the full budget for 1996,

Also recalling its resolution 50/213 B of 11 April 1996, in which it authorized the Secretary-General to enter into commitments for the continued operation of the International Criminal Tribunal up to an amount of 7,609,900 dollars gross (7,090,600 dollars net) for the period from 1 April to 30 June 1996,

1. Endorses the comments and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, 2/ subject to the provisions of the present resolution;

2. Decides to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994 a total amount of 32,552,000 dollars gross (29,404,100 dollars net) for 1996, inclusive of the commitment authority authorized by the General Assembly in its resolution 50/213 B, in addition to the amount of 7,609,900 dollars gross (7,090,600 dollars net) already appropriated for the period from 1 January to 31 March 1996;

3. Decides also that the appropriation for 1996 under the Special Account referred to in paragraph 2 above shall be financed according to the methodology established by the General Assembly in its resolution 49/251 of 20 July 1995, as detailed in the annex to the present resolution;

4. Decides further, as an ad hoc and exceptional arrangement, that Member States shall waive their respective shares in the remaining credits arising from previous budgets of the United Nations Assistance Mission for Rwanda in an amount of 6,904,818 dollars gross (5,800,769 dollars net) to be transferred to the Special Account for the International Criminal Tribunal from the Special Account established for the United Nations Assistance Mission for Rwanda;

5. Decides to apportion the amount of 6,904,818 dollars gross (5,800,769 dollars net) among Member States in accordance with the scale of assessments for the year 1996;

6. Decides also that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 5 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,104,049 dollars approved for the International Criminal Tribunal for 1996;

2/ A/50/923.

7. Requests the Secretary-General to report fully on both the receipt and application of extrabudgetary funds when preparing future budget proposals for the International Criminal Tribunal so as to ensure transparency as to the use and purpose of such funds;

8. Also requests the Secretary-General to submit the budget for the International Criminal Tribunal for 1997 no later than 1 November 1996;

9. Requests the Secretary-General to entrust the Office of Internal Oversight Services to undertake, without prejudice to its programme of work, an inspection of the International Criminal Tribunal, with a view to identifying problems and recommending measures to enhance the efficient utilization of resources, and to report thereon to the General Assembly at its fifty-first session;

10. Decides to revert to the issue of voluntary contributions in the context of the budget proposals for 1997.

ANNEX

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994

	Gross	Net
	(United States dollars)	
Appropriations for April-December 1996	32 552 000	29 404 100
LESS: Commitment authority (for April-June 1996 already assessed)	(7 609 900)	(7 090 600)
LESS: 1995 unencumbered balance	(11 132 464)	(10 711 962)
BALANCE: April-December 1996 (appropriation to be assessed for July-December)	13 809 636	11 601 538
of which United Nations Assistance Mission for Rwanda a/	6 904 818	5 800 769
Assessed b/	6 904 818	5 800 769

a/ Refers to the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda.

b/ Refers to the contributions assessed on Member States in accordance with the scale of assessments for the year 1996.